

Item 3I **14/00620/FUL**

Case Officer **Nicola Hopkins**

Ward **Chorley North East**

Proposal **Erection of a detached two bedroom bungalow**

Location **Land West At Rear Of 5 Fendley Cottage, Blackburn Brow, Chorley**

Applicant **Mr Carl Fendley**

Consultation expiry: **2nd July 2014**

Decision due by: **5th August 2014**

Recommendation

Permit planning permission subject to the associated S106 Agreement.

Executive Summary

The main issues to consider are whether the principle of the development is acceptable and whether the proposals will adversely impact on the existing neighbours. For the reasons set out below the proposals although sited on a relatively small piece of land are considered to be acceptable.

Representations

In total 3 representations have been received which are summarised below	
Objection	Not specified
Total No. received: 1	Total No. received: 2
<ul style="list-style-type: none"> • Not clear where the bungalow will be sited • Inappropriate site- no room for bungalow • Loss of privacy • No means of access to the site • Loss of trees • Impact on local wildlife 	<ul style="list-style-type: none"> • The land in question was until 40 years ago not in existence- the site was created by tipping a large amount of building rubble- underlying structure not suitable to support a structure • Hazardous materials may be present • Extra traffic would compromise the stability of the access track (which is owned by 9 and 11 Blackburn Brow • Existing drainage cannot cope with additional connections • Overlooking and more vehicle movements to the rear of the existing dwellings

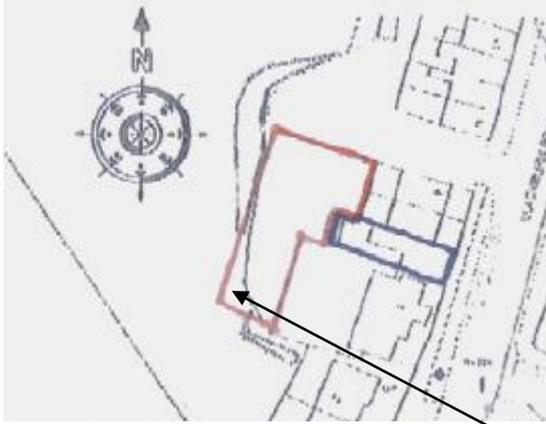
Consultees

Consultee	Summary of Comments received
Council's Waste and Contaminated Land Officer	Due to the proposed sensitive end-use (residential housing with garden) and the proximity to a site formerly classified as 'chemical manufacturing' circa 1849, the development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.
Council's Tree Officer	The area planned for development contains three multi stemmed willow trees. Two of the trees are aged semi mature, one early mature. None of the three willow trees are of merit and removal would could go ahead to accommodate the planned construction.
United Utilities	Have no objection
LCC Highways	No objection

Assessment

Principle of the Development

1. The application site comprises of a piece of backland to the rear of the existing dwellings on Blackburn Brow within the settlement boundary of Chorley. Policy 1 of the Adopted Central Lancashire Core Strategy states that growth will be focused on well-located brownfield sites and the Strategic Location of Central Preston, the Key Service Centres of Chorley and Leyland and the other main urban areas in South Ribble, whilst protecting the character of suburban and rural areas. Chorley is identified as a Key Service Centre.
2. Part of the site is brownfield land with a detached garage present although part of the site is greenfield undeveloped land. Policy 1 confirms that some Greenfield development will be required on the fringes of the main urban areas. It is considered that the location of the site, within the settlement area of Chorley, is an appropriate location for new development in accordance with policy 1 of the Core Strategy.
3. A small section of the application site extends into the mixed use allocation for Botany Bay contained within the emerging Local Plan (Policies EP1.1, EP2 and HS1.8). The Inspector has issued her Partial Report on her findings into the soundness of the Chorley Local Plan which is a material consideration in the consideration of any planning application.
4. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies & Travellers. The examination of the local plan remains open, and the Inspector will reconvene the examination later this year to consider Gypsy & Traveller Matters, which would enable adoption of the local plan, following a supplementary report.
5. Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*
6. The Council accepted the Inspectors modifications for Development Control purposes at its Executive Committee on 21st November 2013. As such the policies contained within the emerging Plan can be afforded significant weight in determining applications subject to the modifications.
7. When the previous application at this site was considered the application site extended into this mixed use allocation which was raised as a concern with the applicant. Additionally it was noted that part of the application site (that part within the mixed use allocation) was owned by third parties. The part of the site owned by third parties has been removed from the application site boundary as part of this new planning application reducing the extent of incursion into the mixed use allocation.
8. The extent of the adjacent mixed use allocation was based upon information submitted at the site suggestions stage of the emerging Local Plan received from third parties. Following further consideration it is assumed that the small part of the mixed use allocation which falls within the ownership of this applicant was included as a drafting error however it is important to note that this is a very small area of land which is sited at a higher land level than the rest of the mixed use allocation:



Area of land within mixed use allocation

9. Policy EP2 confirms that within the area defined on the Policies Map at Botany Bay/Great Knowley (the hatched area on the above plan), new development, redevelopment or change of use will be permitted subject to the following:
 - a) Comprehensive development of the site is demonstrated through a masterplan;
 - b) The implementation of development in accordance with an agreed design code;
 - c) A phasing and infrastructure delivery schedule for the area; and
 - d) An agreed programme of implementation in accordance with the masterplan.

10. Given that the piece of land in question is only small, is at a higher land level than the remainder of the mixed use allocation and falls within the ownership of this applicant it is not considered that the loss of this small section of land will hinder the delivery of the scheme on the Botany Bay/Great Knowley site.

Density

11. The red edge site location plan covers an area of 0.04 hectares which results in a density of 25 dwellings per hectare. Policy 5 of the Core Strategy confirms that the authorities will secure densities of development which are in keeping with local areas and which will have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of an area, consideration will also be given to making efficient use of land. 25 dwellings per hectare is a low density which given the character of the area is considered to be appropriate and reflects the character of the area.

Levels

12. The land gently slopes downwards from north to south however the land where the bungalow is proposed to be sited is relatively flat and reflects the ground level of the adjacent dwellings. As such it is considered that a suitable land level which reflects the adjacent dwellings can be secured on this site.

Impact on the neighbours

13. At a national level, The Framework states within one of its twelve core planning principles that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

14. Policy 17 of the Adopted Central Lancashire Core Strategy states that the design of new development should take account of the character and appearance of the local area, including ensuring that the amenities of occupiers of the development will not be adversely affected by neighbouring uses and vice versa. The Adopted Central Lancashire Core Strategy also states that development should be sympathetic to surrounding land uses and occupiers, and should not result in demonstrable harm to the amenities of the local area.

15. Policy BNE1 of the emerging Local Plan (2012-2026) states that new development should not cause harm to any neighbouring property by virtue of overlooking, overshadowing or overbearing.

16. The immediate neighbours to the site are 3, 5, 7 and 9 Blackburn Brow. Number 3 is a detached dwelling located to the east of the application site. The rear projection of the proposed bungalow will be located to the rear of this property although approximately 17 metres is maintained between the rear elevation of number 3 and the side elevation of the proposed bungalow.
17. There is a side window located within the rear projection facing 3 Blackburn Brow however as this property is a bungalow this window will be at ground floor level. This window will be approximately 4 metres from the boundary of 3 Blackburn Brow which could be perceived as having an adverse impact on privacy, even though it is a ground floor window, due to the proximity of the proposed house to the garden area of 3 Blackburn Brow. This window is however a secondary window to the room it serves and as such could be obscurely glazed to remove the perceived impact. This will be secured by condition.
18. Number 3 Blackburn Brow is located over 12 metres from the rear garden of the proposed bungalow which exceeds the Council's required 10 metre window to garden spacing standard. As such it is not considered that the private amenity space of the proposed dwelling will be overlooked by the existing dwelling.
19. 5 Blackburn Brow is located to the east of the proposed bungalow and is the applicant's property. Over 9 metres is maintained between the proposed bungalow and the rear elevation of number 5. Given the distance maintained and the fact that the proposals are for a bungalow it is not considered that the application warrants refusal in respect of the impacts on number 5. There is a bathroom window in the side elevation of the proposed dwelling facing number 5 which will be obscurely glazed and as such there will be no loss of amenity created by this window.
20. The proposed site plan appears to include a detached garage which will be located between the proposed bungalow and the rear boundary of 5 Blackburn Brow however no plans of the garage have been submitted. Whilst this is not part of the proposals it would not be considered that a standard single storey standard garage in this location would adversely impact on the amenities of the occupants of number 5. Its siting to the west of the rear garden ensures that loss of light would only be late on the afternoon with the garden area retaining sunlight for the majority of the day. However any such garage at this property would require the submission of a planning application.
21. Number 7 Blackburn Brow is located to the east of the application site and has a rear conservatory. The proposed bungalow is set back within the application site and as such only part of the proposal will be sited close to the boundary with number 7. The proposed dwelling will be sited approximately 9.4 metres from the rear elevation of the conservatory. Given that only part of the proposed dwelling will be sited directly behind number 7 and the distance maintained it is not considered that the proposals will create any loss of amenity to the residents of number 7 Blackburn Brow.
22. Number 9 Blackburn Brow will face the proposed front garden area of the dwelling. As this area will not be used a private amenity space it is not considered that the proposals will create loss of privacy to either the existing or future residents.

Highways and Traffic

23. As set out above issues have been raised about the use of the private access way between 9 and 11 Blackburn Brow to serve the site however this is a private issue between the land owners and it will be the applicants responsibility to secure an access to the application site. The access between these 2 dwellings forms part of the mixed use allocation at Botany Bay however the proposed development would not impact on this part of the allocation. Recent case law confirms that planning applications do not have to include the means of vehicular access within the application site (i.e. the red edge does not have to extend upto an adopted highway) and as this is outside the applicants control this access has not been included within the application site. It is however clear that

access to the site by vehicles is achievable as the land is currently used for parking and garages.

24. The Highway Engineer at LCC has assessed the proposals and made the following comments. The junction of Blackburn Brow and the access road has capacity to accommodate additional trips from the single vehicle associated with the development and although no vehicle parking space is indicated on the submitted plans there is adequate space available within curtilage to enable vehicle(s) to be parked off-street. The Highway Engineer has no objections to the proposed bungalow.
25. For a two bedroomed bungalow two off road parking spaces are required, as set out within Policy ST4 of the emerging Local Plan. The submitted plans detail a driveway and what is assumed to be a detached garage. The garage indicated measures 6x3 metres which is suitable to accommodate a car and the driveway exceeds 8 metres in length which is also suitable to accommodate a vehicle. Without the garage a driveway length in excess of that required for 2 cars can easily be accommodated on the site. As such it is considered that sufficient onsite parking can be provided.

Trees

26. The previously undeveloped part of the site is occupied by vegetation and trees. As such the application is supported by a Arboricultural Report. This concludes that there are several trees on the site/ adjacent to the site including Hawthorn, Willow and Oak. All but the Oak Tree are classified as category C within the assessment which are low quality trees. The Council's Tree Officer has visited the site and confirmed that the area planned for development contains three multi stemmed willow trees. Two of the trees are aged semi mature, one early mature. None of the three willow trees are of merit and as such would not warrant protection.
27. The Oak Tree which is categorised as moderate quality is outside the application site and as such does not require removal to facilitate the development.

Sustainable Resources

28. Policy 27 of the Adopted Core Strategy requires dwellinghouses to be built to meet Code for Sustainable Homes Level 4 which increases to Level 6 on 1st January 2016 in accordance with Policy 27 of the Core Strategy. This will be secured by condition.

Community Infrastructure Levy

29. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for housing - £65 per sq m. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013.
30. The submitted CIL form states that 87.63m² of floorspace will be provided which at a rate of £65.00 per m² (in accordance with the Adopted CIL Charging Schedule), would result in the development being CIL chargeable to a value of £5,695.95. However the floorspace of the detached garage has been excluded from a calculation which when included will create 105.63m² which equates to a £6,865.95.

Open Space

31. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. In accordance with the emerging Local Plan Policies HS4A and HS4B and the approach in the SPD the following open space contributions are generated from the proposed development. This will be secured via a separate S106 Legal Agreement:

Amenity Greenspace

32. Emerging Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population. There is currently a deficit of provision in the Chorley North East ward in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. The amount required is £140.

Provision for children/young people

33. Emerging Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population. There is currently a deficit of provision in the Chorley North East ward in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. The amount required is £134.

Parks and Gardens

34. There is no requirement to provide a new park or garden on-site within this development. There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

Natural and Semi-Natural Greenspace

35. There is no requirement to provide new natural/semi natural greenspace on-site within this development. There are no areas of natural/semi-natural greenspace within the accessibility catchment (800m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

Allotments

36. There is no requirement to provide allotment provision on site within this development. The site is within the accessibility catchment (10 minutes' drive time) of allotments that are identified as being low quality and/or low value in the Open Space Study (sites 1646 – Worthy Street, Chorley, 1644 – Whittam Road, Chorley, 1648 – Preston Road, Whittle-le-Woods, 1649 – Maybank, Withnell Fold).
37. The site is also within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site at Sylvesters Farm, Euxton (HW5.2). A contribution towards improving existing provision and new allotment provision is therefore required from this development. The amount required is £15.

Playing Pitches

38. A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.

39. The total financial contribution required from this development is as follows:

• Amenity greenspace	= £140
• Equipped play area	= £134
• Allotments	= £15
• Playing Pitches	= £1,599
• Total	= £1,888

Ownership

40. Part of the site (a strip of land to the rear of 7 and 9 Blackburn Brow) is not within the applicants ownership and not registered however in accordance with the requirements in respect of this planning application the application has been advertised in the local paper by the applicant.

Land Stability

41. Concerns have been raised that this site was created by tipping waste material etc and its not capable of accommodating a new dwelling. This however is an issue which will be addressed at building regulations stage as various measures could be considered in ensuring that the development can be accommodated on the site dependent on the site conditions.

Overall Conclusion

42. It is acknowledged that this is a small piece of back land typical with terraced properties throughout the Borough. For the reasons set out above however the proposed development is considered to be in accordance with the relevant planning policies and guidance. As such the application is recommended for approval.

Planning Policies

43. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

Reference	Description	Decision	Date
3 Blackburn Brow: 5/1/02925	Re-siting of existing garage and erection of new garage	Approved	1967
7 Blackburn Brow: 5/1/03118	Erection of lock-up garage	Approved	1968
76/00252/FUL	Infilling disused railway cutting	Refused. Appeal Withdrawn	
Heapey: 77/00418/FUL	Tipping	Refused. Appeal Dismissed	
78/00054/FUL	Garage for overnight parking of asphalt wagon.	Refused	January 1978
13/00837/FUL	Erection of a detached two bedroom bungalow	Withdrawn	

Suggested Conditions

No.	Condition						
1.	<p>The proposed development must be begun not later than three years from the date of this permission. Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</p>						
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="0" data-bbox="363 501 983 595"> <thead> <tr> <th data-bbox="363 501 794 533">Title</th> <th data-bbox="794 501 983 533">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="363 533 794 564">Site and Location Plan</td> <td data-bbox="794 533 983 564">5th June 2014</td> </tr> <tr> <td data-bbox="363 564 794 595">Elevations</td> <td data-bbox="794 564 983 595">5th June 2014</td> </tr> </tbody> </table> <p>Reason: For the avoidance of doubt and in the interests of proper planning</p>	Title	Received date	Site and Location Plan	5th June 2014	Elevations	5th June 2014
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Site and Location Plan	5th June 2014						
Elevations	5th June 2014						
3.	<p>Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system. Reason: To secure proper drainage</p>						
4.	<p>Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plans and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved. Reason: To ensure that the materials used are visually appropriate to the locality.</p>						
5.	<p>Before the development hereby permitted is first commenced, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development. Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</p>						
6.	<p>Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained. Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area</p>						
7.	<p>Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plans. The development shall be carried out strictly in conformity with the approved details. Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</p>						
8.	<p>A scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development. These details shall indicate the types and numbers of trees and shrubs to be planted, their distribution on site and those areas to be seeded, paved or hard landscaped. Landscaping proposals should comprise only native plant communities appropriate to the natural area.</p>						

	<p>All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p>Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.</p>
9.	<p>During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.</p> <p>Reason: To safeguard the trees to be retained</p>
10.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof no extension to the dwelling(s), porch, garden shed, greenhouse, garage or car port shall be erected nor any hardstanding area extended other than those expressly authorised by this permission.</p> <p>Reason: In the interests of neighbour amenity.</p>
11.	<p>All dwellings commenced after 1st January 2013 will be required to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority.</p> <p>Reason: In the interests of minimising the environmental impact of the development</p>
12.	<p>Prior to the commencement of the development, a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.</p> <p>Reason: In the interests of minimising the environmental impact of the development</p>
13.	<p>No dwelling shall be occupied until a letter of assurance, detailing how that plot has met the necessary Code Level, has been issued by a Code for Sustainable Homes Assessor and submitted to the Local Planning Authority.</p> <p>Reason: In the interests of minimising the environmental impact of the development</p>
14.	<p>All windows in the east elevation of the dwellinghouse hereby permitted shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.</p> <p>Reason: In the interests of the privacy of occupiers of neighbouring property</p>
15.	<p>Prior to the occupation of the dwellinghouse hereby permitted sufficient driveway space shall be provided within the application site for the parking of 2 vehicles. Thereafter sufficient space for the parking of 2 vehicles shall be maintained in perpetuity.</p> <p>Reason: To ensure an adequate amount of parking is provided at the application</p>

	site for the dwellinghouse hereby approved.
16.	<p>Due to the proposed sensitive end-use (residential housing with garden) and the proximity to a site formerly classified as 'chemical manufacturing' circa 1849, the development hereby permitted shall not commence until a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures, has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The report should include an initial desk study, site walkover and risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.</p> <p>The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report. Reason: Please note it is the applicant's responsibility to properly address any land contamination issues, to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).</p>
17.	<p>Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority. Reason: In the interests of highway safety and to prevent flooding</p>